



**DRAFT**

Page 1 of 40  
Permit No. WA 0037265

Issuance Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT No. WA 0037265**

State of Washington  
DEPARTMENT OF ECOLOGY  
Olympia, Washington 98504-7600

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington

and

The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1342 et seq.

**Occidental Chemical Corporation  
605 Alexander Avenue  
Tacoma Washington 98421**

Facility Location:  
605 Alexander Avenue  
Tacoma, Washington 98421

Receiving Water: Hylebos Waterway/ Inner  
Commencement Bay/Puget Sound

Water Body I.D. No.:  
1224819475188

Discharge Location:  
Latitude: 47° 16' 48" N  
Longitude: 122° 24' 11" W

Industry Type: Ground Water Cleanup Under  
Hazardous Waste and Toxic Reduction  
Corrective Action Permit

is authorized to discharge in accordance with the special and general conditions which follow.

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Ava Edmonson  
Hazardous Waste & Toxics Reduction  
Acting Section Supervisor  
Southwest Regional Office  
Washington State Department of Ecology

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**SUMMARY OF PERMIT REPORT SUBMITTALS**

Refer to the Special and General Conditions of this permit for additional submittal requirements.

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
S3.A	Discharge Monitoring Report	Monthly	<i>reserve for issuance</i>
S3.E	Reporting Permit Violations	As necessary	Within 30 days of becoming aware of violation
S3.F	Other Reporting	As necessary	
S4.A	Operations and Maintenance Manual		<i>reserve for issuance</i> if no modifications have been submitted prior during this permit cycle
S4.A	Operations and Maintenance Manual Update or Review Confirmation Letter	Annually and as necessary	<i>reserve for issuance</i>
S4.B	Reporting Bypasses	As necessary	
S5.	Application for Permit Renewal	1/permit cycle	<i>reserve for issuance</i>
S6.C	Solid Waste Control Plan	1/permit cycle	<i>reserve for issuance</i> if no modifications have been submitted prior during this permit cycle.
S6.C	Modification to Solid Waste Plan	As necessary	
S8.	Spill Plan/Emergency Response & Contingency Plan Ground Water Treatment System	1/permit cycle, updates submitted as necessary	<i>reserve for issuance</i> if no modifications have been submitted prior during this permit cycle
S9.	Acute Toxicity Effluent Test Results with Permit Renewal Application	2/permit cycle	Once in the Last Summer & Once in the Last Winter Prior to Submission of the Renewal Application (before <i>reserve for issuance</i> )
S10.	Chronic Toxicity Effluent Test Results with Permit Renewal Application	2/permit cycle	Once in the Last Summer & Once in the Last Winter Prior to Submission of the Renewal Application ( <i>reserve for issuance</i> )
G1.C.	Notice of Change in Authorization	As necessary	

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Notice of Permit Transfer	As necessary	
G10.	Duty to Provide Information	As necessary	

**SPECIAL CONDITIONS**

**S1. DISCHARGE LIMITS**

A. Stormwater, Ground Water Treatment and Non-contact Cooling Water Effluent at the Outfall Mixing Box (outfall #001)

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of that identified and authorized by this permit violates the terms and conditions of this permit.

There shall be no discharge of floating solids or visible foam in other than trace amounts. Sanitary waste shall be discharged to the city of Tacoma sanitary sewer system. Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge stormwater, ground water treatment plant effluent, and non-contact cooling water (combined flow discharge) at the outfall mixing box prior to discharge to the Hylebos Waterway.

B. Ground Water Treatment System Effluent

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to convey and discharge treated ground water treatment system effluent (Compliance Sampling Point [C.S.P.] #002) to the outfall mixing box subject to complying with the following limits:

<b>EFFLUENT LIMITS: OUTFALL # 002 (Ground Water Treatment Plant Discharge)</b>		
<b>Parameter</b>	<b>Units</b>	<b>Maximum Daily <sup>a</sup></b>
Flow	maximum gallons per day	Report
Chloroform	µg/L	75
Carbon tetrachloride	µg/L	1.6
1,1 Dichloroethylene	µg/L	3.2
1,1,2 Trichloroethane	µg/L	5
1,1,2,2 Tetrachloroethane	µg/L	4
Trichloroethylene	µg/L	30
Tetrachloroethylene	µg/L	3.3
Methylene chloride	µg/L	185
Vinyl Chloride	µg/L	2.4
a. Maximum daily effluent limit means the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.		

C. Mixing Zone Authorization

This permit retains the acute dilution factor of 2.7 and chronic dilution factor of 15 authorized in the previous permit.

The maximum boundaries of the mixing zones are defined as follows:

1. In the vertical plane, from the receiving water surface to the bottom.
2. In the horizontal plane, 200 feet from each diffuser port.

## **S2. MONITORING REQUIREMENTS**

### **A. Monitoring Schedule**

The Permittee must monitor in accordance with the following schedule and must use the laboratory method, detection level (DL), and quantitation level (QL) specified in Appendix A.

The Permittee must sample the ground water treatment plant discharge prior to where it mixes with stormwater. The stormwater samples must consist entirely of stormwater.

The Permittee must collect stormwater samples (#3 below) from the four discharge location identified in the Stormwater Pollution Prevention Plan (SWPPP). These are identified as E-24A, D-21, H-2A and I-4 in the SWPPP. The Permittee must measure turbidity and pH and observe for oil sheen at each sampling location. The Permittee may measure total copper and total zinc on a composite sample consisting of equal aliquots from each of the four sampling locations.

<b>Parameter <sup>a</sup></b>	<b>Units</b>	<b>Minimum Sampling Frequency</b>	<b>Sample Type <sup>b</sup></b>
<b>(1) Ground Water Treatment Plant Discharge (Outfall #002)</b>			
Flow	Maximum gallons/day	Continuous	Metered & Recorded
Chloroform	µg/L	Once/2 Months	Grab
Carbon tetrachloride	µg/L	Once/2 Months	Grab
1,1 Dichloroethylene	µg/L	Once/2 Months	Grab
1,1,2 Trichloroethane	µg/L	Once/2 Months	Grab
1,1,2,2 Tetrachloroethane	µg/L	Once/2 Months	Grab
Trichloroethylene	µg/L	Once/2 Months	Grab
Tetrachloroethylene	µg/L	Once/2 Months	Grab
Methylene chloride	µg/L	Once/2 Months	Grab
Vinyl chloride	µg/L	Once/2 Months	Grab

Parameter <sup>a</sup>	Units	Minimum Sampling Frequency	Sample Type <sup>b</sup>
(2) Whole Effluent Toxicity Testing – Stormwater, Ground Water Treatment and Non-contact Cooling Water Effluent at the Outfall Mixing Box (Outfall #001)			
Acute Toxicity Testing	See permit condition S10		
Chronic Toxicity Testing	See permit condition S11.		
(3) Stormwater (see S2.E for sampling locations)			
Turbidity	NTU's	1/quarter	Grab
pH	Standard Units	1/quarter	Grab
Oil Sheen	Yes/No	1/quarter	Grab
Zinc, Total	µg/L	1/quarter	Grab
Copper	µg/L	1/quarter	Grab
<sup>a</sup> Report single analytical values below detection as “less than (detection level)” where (detection level) is the numeric value specified in attachment A.  Report single analytical values between the agency-required detection and quantitation levels with qualifier code of j following the value.  If the Permittee is unable to obtain the required DL and QL in its effluent due to matrix effects, the Permittee must submit a matrix specific MDL and a QL to Ecology with appropriate laboratory documentation.			
<sup>b</sup> Grab means an individual sample collected over a fifteen (15) minute, or less, period.			

**B. Sampling and Analytical Procedures**

Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 Code of Federal Regulations (CFR) Part 136.

**C. Flow and Field Measurement Devices**

The Permittee must:

1. Select and use appropriate flow and field measurement devices and methods consistent with accepted scientific practices.



2. Install, confirm calibration, and maintain these devices to ensure the accuracy of the measurements is consistent with the accepted industry standard and the manufacturer's recommendation for that type of device.
3. If the Permittee uses micro-recording temperature devices known as thermistors it must calibrate the devices using protocols from the Department of Ecology's (Ecology's) Quality Assurance Project Plan Development Tool (*Continuous Temperature Sampling Protocols for the Environmental Monitoring and Trends*). This document is available online at <http://www.ecy.wa.gov/programs/eap/qa/docs/QAPPtool/Mod6%20Ecology%20SOPs/Protocols/ContinuousTemperatureSampling.pdf>. Calibration as specified in this document is not required if the Permittee uses recording devices which are certified by the manufacturer.
4. Use field measurement devices as directed by the manufacturer and do not use reagents beyond their expiration dates.
5. Calibrate or ensure calibration of these devices at the frequency recommended by the manufacturer.
6. Calibrate or ensure calibration of flow monitoring devices at a minimum frequency of at least once per year.
7. Maintain calibration records for at least three years.

D. Laboratory Accreditation

The Permittee must ensure that all monitoring data required by Ecology is prepared by a laboratory registered or accredited under the provisions of chapter 173-50 Washington Administrative Code (WAC), *Accreditation of Environmental Laboratories*. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement.

E. Stormwater Effluent Monitoring

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to convey stormwater to the outfall mixing box. The Permittee shall sample the stormwater as specified below for the following parameter:

<b>EFFLUENT LIMITS: Stormwater Effluent Discharge<sup>a</sup></b>		
<b>Parameter</b>	<b>Benchmark value</b>	<b>Maximum Daily<sup>b</sup></b>
Turbidity	25 NTU	Report
pH	Between 6.0 and 9.0 standard units	Report
Oil Sheen	No Visible Oil Sheen	Report
Zinc, Total	200 µg/L	Report

Copper, Total	14 µg/L	Report
<sup>a</sup> Sample must consist entirely of stormwater. OxyChem must collect samples from the four discharge location identified in their Stormwater Pollution Prevention Plan (SWPPP). These are identified as E-24A, D-21, H-2A and I-4 in the SWPPP. Analyses of turbidity, pH, and oil sheen must be done on each sampling location. Analyses for total copper and total zinc may be done on a composite sample. If a composite sample is used it must contain equal allocates from each of the four sampling locations.		
<sup>b</sup> Maximum daily effluent limit means the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.		

F. Stormwater Sampling, Benchmark and Effluent Limitations, and Corrective Action

1. Stormwater Sampling Requirements

a. Sample Timing and Frequency

- i. OxyChem must sample stormwater discharge at least once per quarter. However, OxyChem may shift the 3<sup>rd</sup> quarter sample to the earliest stormwater sampling opportunity in the 4<sup>th</sup> quarter if there is no storm event in the 3<sup>rd</sup> quarter suitable for stormwater sampling. In that case, there will be two stormwater sampling events in the four quarter.

1<sup>st</sup> Quarter = January, February, and March

2<sup>nd</sup> Quarter = April, May, and June

3<sup>rd</sup> Quarter = July, August, and September

4<sup>th</sup> Quarter = October, November, and December

- ii. OxyChem must sampling stormwater from the following locations identified in their SWPPP - E-24A, D-21, H-2A and I-4.
- iii. OxyChem must obtain *representative* single grab stormwater samples from each sampling location.
- iv. Analyses of turbidity, pH, and oil sheen must be done on samples from each sampling location. Analyses for total copper and zinc may be done on a composite sample. If a composite sample is used it must contain equal allocates each of the four sampling locations.
- v. The OxyChem shall not sample more frequently than two weeks.
- vi. OxyChem need not sample outside of *regular business hours* or during unsafe conditions.

- b. After the effective date of this permit, OxyChem may suspend sampling for one or more parameters based on consistent attainment of benchmark values when:

- i. Eight consecutive samples in which the reported value for the listed parameter, other than pH, is equal to or less than the benchmark value.
- ii. For pH, the eight consecutive samples shall be within the range of 7.0 to 8.5.
- iii. OxyChem shall not suspend visual inspections.
- c. If OxyChem implements a significant process change they shall continue sampling and may not use previous sampling results to demonstrate consistent attainment.

2. Benchmarks and Effluent Limitations

If OxyChem discharge exceeds a stormwater benchmark, OxyChem shall take the actions specified in Condition S2.F.3.

3. Corrective Action

a. Level One Corrective Actions – Operational Source Control BMPs

If OxyChem exceeds any benchmark value during a single monitoring period (quarter) after January 1, 2010, they shall complete a Level 1 Corrective Action in accordance with a. i-iv below:

- i. Review the SWPPP and ensure operations are in full compliance with the SWPPP and that the SWPPP contains the correct BMPs from the applicable Stormwater Management Manual.
- ii. Make appropriate revisions to the SWPPP to include additional *Operational Source Control BMPs* with the goal of achieving all benchmark values in future discharges.
- iii. Complete a Level 1 SWPPP Certification Form and attach to SWPPP.
- iv. Level One Deadline: Fully implement the revised SWPPP and the applicable Stormwater Management Manual immediately, but no later than 90 days following the quarter of the exceedance.

**Operational Source Control BMPs** means schedule of activities, prohibition of practices, maintenance procedures, employee training, good housekeeping, and other managerial practices to prevent or reduce the pollution of waters of the state. Not included are BMPs that require construction of pollution control devices.

\* = **Operational source control** BMPs for Western Washington that may apply are on Ecology's web site at: <http://www.ecy.wa.gov/biblio/0510032.html>

## b. Level Two Corrective Actions – Structural Source Control BMPs.

If OxyChem exceeds any benchmark value during any 4 separate quarterly monitoring periods after January 1, 2010, they shall complete a Level 2 Corrective Action in accordance with b. i-v below:

- i. Review the SWPPP and ensure operations are in full compliance with SWPPP, and contains the correct BMPs from the applicable Stormwater Management Manual.
- ii. Make appropriate revisions to the SWPPP to include additional *Structural Source Control BMPs* with the goal of achieving all benchmark values in future discharges.
- iii. Complete a Level 2 SWPPP Certification Form and attach to SWPPP.
- iv. Level 2 Deadline: Fully implement the revised SWPPP and the applicable Stormwater Management Manual immediately, but no later than 90 days following the quarter of the exceedance.
  - If installation of necessary *Structural Source Control BMPs* is not feasible within applicable *Corrective Action Deadline*; Ecology may approve additional time, when an extension is requested in writing by a Permittee at least 60 days prior to the applicable *Corrective Action Deadline*.
- v. If installation of *Structural Source Control BMPs* is not feasible or not necessary to prevent discharges that may cause or contribute to a violation of a water quality standard, Ecology may waive the requirement for *Structural Source Control BMPs* by approving a *Modification of Permit Coverage*.
  - i. To request a waiver, a Permittee shall submit an *Application for Coverage* form to Ecology in accordance with Condition S2.B, at least 60 days prior to the applicable *Corrective Action Deadline*, requesting “Modification of Coverage”.
  - ii. Within 90 days of receipt of a complete *Modification of Coverage* request, Ecology will approve or deny the request.

**Structural Source Control BMPs** means physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. Examples of Structural Source Control BMPs include, but are not limited to:

- Enclosing and/or covering the pollutant sources (e.g., within a building or other enclosure, a roof over storage and/or working areas, temporary tarps,

etc.

- Physically separating the pollutant source to prevent run-on of uncontaminated stormwater (e.g., preventing clean stormwater from getting contaminated).
- Devices that direct contaminated stormwater to appropriate treatment BMPs (e.g., discharge to sanitary sewer if allowed by local sewer authority).

**Structural Source Control** BMPs for Western Washington that may apply are on Ecology's web site at: <http://www.ecy.wa.gov/biblio/0510032.html>

c. Level Three Corrective Actions – Treatment BMPs

If OxyChem exceeds any benchmark value during any 8 separate quarterly monitoring periods after January 1, 2010, they shall complete a Level 3 Corrective Action in accordance with c. i-v, below:

- i. Review the SWPPP and ensure that it is in full compliance with Permit Condition S3., and contains the correct BMPs from the applicable Stormwater Management Manual.
- ii. Make appropriate revisions to the SWPPP to include additional *Treatment BMPs* with the goal of achieving all benchmark values in future discharges.
- iii. Complete a Level 3 SWPPP Certification Form and attach to SWPPP. The portion of the SWPPP that addresses stormwater treatment structures or processes shall be designed and stamped by a professional Engineer, with certification that the SWPPP is consistent with the applicable Stormwater Management Manual. Submit the revised SWPPP to Ecology by the Level 3 Deadline.
- iv. Level 3 Deadline: Fully implement the SWPPP according to Permit Condition S3. and the applicable Stormwater Management Manual immediately, but no later than the deadline specified in Table 6.
  - If installation of necessary *Treatment BMPs* is not feasible within applicable *Corrective Action Deadline*; Ecology may approve additional time, when an extension is requested in writing by a Permittee at least 60 days prior to the applicable *Corrective Action Deadline*.
- v. If installation of *Treatment BMPs* is not feasible or not necessary to prevent discharges that may cause or contribute to violation of a water quality standard, Ecology may waive the requirement for *Treatment BMPs* by approving a *Modification of Permit Coverage*.

- To request a waiver, a Permittee shall submit an Application for Coverage form to Ecology in accordance with Condition S2.B, at least 60 days prior to the applicable Corrective Action Deadline, requesting “Modification of Coverage”.
- Within 90 days of receipt of a complete *Modification of Coverage* request, Ecology will approve or deny the request.

*Treatment BMPs* means BMPs that are intended to remove pollutants from stormwater. A few examples of treatment BMPs are detention ponds, oil/water separators, biofiltration, media filtration, and constructed wetlands. Treatment BMPs include, but are not limited to detention ponds, oil/water separators, biofiltration, sand filtration, constructed wetlands, etc.

Treatment *BMPs* for Western Washington that may apply are on Ecology’s web site at: <http://www.ecy.wa.gov/biblio/0510033.html>

d. Level Four Corrective Action

If OxyChem exceeds any benchmark value during any 12 separate quarterly monitoring periods after January 1, 2010, they shall submit a Level 4 Report to Ecology no later than 45 days after the applicable DMR deadline.

i. When a facility triggers a Level 4 Corrective Action, Ecology will take one or more the following actions:

1. Issue an administrative order, requiring the Permittee to:
  - a. Submit a receiving water study;
  - b. Submit an engineering report in accordance with WAC 173-240-130;
  - c. Perform additional water quality monitoring per Condition G12; or
  - d. Perform additional pollution prevention and/or treatment measures at the facility, including but not limited to the installation of an *Active Stormwater Treatment System*.
2. Notify the Permittee in writing to apply for a *Modification of Permit Coverage* in accordance with WAC 173-226-200(3)(f); or
  - a. Ecology may issue modified permit coverage based upon a site specific assessment that no

additional pollution prevention and/or treatment measures are necessary to comply with AKART and the discharge is not causing or contributing to a violation of water quality standards.

3. Notify the Permittee in writing to apply for and obtain an individual permit or obtain coverage another more specific general permit, in accordance with WAC 173-226-240(2); or
4. Notify the discharger in accordance with WAC 173-226-240(5) that coverage under the permit is no longer appropriate, and any actions required by the Permittee in order for coverage under the permit to remain effective. The discharger shall have 30 days to respond to any notification provided by WAC 173-226-240(5) before coverage under the permit shall be automatically revoked.
5. Terminate coverage under a general permit, in accordance with WAC 173-226-240(1).

*Active Stormwater Treatment Systems* include, but are not limited to, chemical treatment, enhanced media filtration, electro-coagulation and ion exchange.

### **S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee must monitor and report in accordance with the following conditions. The falsification of information submitted to Ecology is a violation of the terms and conditions of this permit.

#### **A. Reporting**

The first monitoring period begins on the effective date of the permit. The Permittee must:

1. Submit monitoring results each month.
2. Summarize, report, and submit monitoring data obtained during each monitoring period on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by Ecology.
3. Submit DMR forms monthly whether or not the facility was discharging. If the facility did not discharge during a given monitoring period, submit the form as required with the words "NO DISCHARGE" entered in place of the monitoring results.
4. Ensure that DMR forms are postmarked or received by Ecology no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit.

5. Send report(s) to Ecology at:

Industrial Unit Permit Coordinator  
Department of Ecology  
Southwest Regional Office  
P.O. Box 47775  
Olympia, WA 98504-7775

All laboratory reports providing data for organic and metal parameters must include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL) or laboratory quantitation limit (QL or ML), reporting units, and concentration detected. Analytical results from samples sent to a contract laboratory must have information on the chain of custody, the analytical method, QA/QC results, and documentation of accreditation for the parameter.

B. Records Retention

The Permittee must retain records of all monitoring information for a minimum of three years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

C. Recording of Results

For each measurement or sample taken, the Permittee must record the following information:

1. The date, exact place, method, and time of sampling or measurement.
2. The individual who performed the sampling or measurement.
3. The dates the analyses were performed.
4. The individual who performed the analyses.
5. The analytical techniques or methods used.
6. The results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by Condition S2. of this permit, then the Permittee must include the results of such monitoring in the calculation and reporting of the data submitted in the Permittee's DMR.



**E. Reporting Permit Violations**

The Permittee must take the following actions when it violates or is unable to comply with any permit condition:

- a. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.
- b. If applicable, immediately repeat sampling and analysis. Submit the results of any repeat sampling to Ecology within 30 days of sampling.

**1. Twenty-four-hour Reporting**

The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at the telephone numbers listed above, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:

- a. Any noncompliance that may endanger health or the environment, unless previously reported under subpart 1, above.
- b. Any unanticipated **bypass** that exceeds any effluent limitation in the permit (See Part S4.B., "Bypass Procedures").
- c. Any **upset** that exceeds any effluent limitation in the permit (See G.15, "Upset").
- d. Any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in Section S1.A of this permit.
- e. Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.

**2. Report Within Five Days**

The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subparts 1 or 2, above. The written submission must contain:

- a. A description of the noncompliance and its cause.
- b. The period of noncompliance, including exact dates and times.
- c. The estimated time noncompliance is expected to continue if it has not been corrected.

- d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- e. If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

3. Waiver of Written Reports

Ecology may waive the written report required in subpart 3, above, on a case-by-case basis upon request if a timely oral report has been received.

4. All Other Permit Violation Reporting

The Permittee must report all permit violations, which do not require immediate or within 24 hours reporting, when it submits monitoring reports for S3.A ("Reporting"). The reports must contain the information listed in paragraph E.3, above. Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

5. Report Submittal

The Permittee must submit reports to the address listed in S3.

F. Other Reporting

The Permittee must report a spill of oil or hazardous materials in accordance with the requirements of Revised Code of Washington (RCW) 90.56.280 and chapter 173-303-145. You can obtain further instructions at the following website:  
<http://www.ecy.wa.gov/programs/spills/other/reportaspill.htm> .

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to Ecology, it must submit such facts or information promptly.

The Permittee must keep a copy of this permit at the facility and make it available upon request to Ecology inspectors.

**S4. OPERATION AND MAINTENANCE**

The Permittee must, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

The Permittee must schedule any facility maintenance, which might require interruption of wastewater treatment and degrade effluent quality, during non-critical water quality periods and carry this maintenance out in a manner approved by Ecology.

A. Operations and Maintenance Manual

The Permittee must:

1. Review the Operations and Maintenance (O&M) Manual at least annually and confirm this review by letter to Ecology.
2. Submit to Ecology for review and approval substantial changes or updates to the O&M Manual whenever it incorporates them into the manual.
3. Keep the approved O&M Manual at the permitted facility.
4. Follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the O&M manual must include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater.
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (for example, defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)
4. Wastewater sampling protocols and procedures for compliance with the sampling and reporting requirements in the wastewater discharge permit.
5. Minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit
6. Treatment plant process control monitoring schedule.

B. Bypass Procedures

This permit prohibits a bypass which is the intentional diversion of waste streams from any portion of a treatment facility. Ecology may take enforcement action against a Permittee for a bypass unless one of the following circumstances (1, 2, or 3) applies.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limits or other conditions of this permit, or adversely impact public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least ten days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

No feasible alternatives to the bypass exist, such as:

- The use of auxiliary treatment facilities.
- Retention of untreated wastes.
- Stopping production.
- Maintenance during normal periods of equipment downtime, but not if the Permittee should have installed adequate backup equipment in the exercise of reasonable engineering judgment to prevent a bypass.
- Transport of untreated wastes to another treatment facility or preventative maintenance), or transport of untreated wastes to another treatment facility.

Ecology is properly notified of the bypass as required in condition S3.E of this permit.

3. If bypass is anticipated and has the potential to result in noncompliance of this permit.
  - a. The Permittee must notify Ecology at least 30 days before the planned date of bypass. The notice must contain:
    - A description of the bypass and its cause.
    - An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing.
    - A cost-effectiveness analysis of alternatives including comparative resource damage assessment.

- The minimum and maximum duration of bypass under each alternative.
  - A recommendation as to the preferred alternative for conducting the bypass.
  - The projected date of bypass initiation.
  - A statement of compliance with SEPA.
  - A request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated.
  - Details of the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- b. For probable construction bypasses, the Permittee must notify Ecology of the need to bypass as early in the planning process as possible. The Permittee must consider the analysis required above during preparation of the engineering report or facilities plan and plans and specifications and must include these to the extent practical. In cases where the Permittee determines the probable need to bypass early, the Permittee must continue to analyze conditions up to and including the construction period in an effort to minimize or eliminate the bypass.
- c. Ecology will consider the following prior to issuing an administrative order for this type of bypass:
- If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
  - If feasible alternatives to bypass exist, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
  - If the Permittee planned and scheduled the bypass to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. Ecology will give the public an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Ecology will approve a request to bypass by issuing an administrative order under RCW 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

**S5. APPLICATION FOR PERMIT RENEWAL**

The Permittee must submit an application for renewal of this permit by *reserve for issuance*.

**S6. FACILITY LOADING**

Flow to the treatment system must not exceed 150 gallons per minute or 216,000 gallons per day.

**S7. SOLID WASTES**

A. Solid Waste Handling

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee must submit all proposed revisions or modifications to the solid waste control plan to Ecology for review and approval at least 30 days prior to implementation. Once approved, the Permittee must comply with any plan modifications. The Permittee must submit an update of the solid waste control plan by *reserve for issuance*.

**S8. NON-ROUTINE AND UNANTICIPATED DISCHARGES**

A. Beginning on the effective date of this permit, the Permittee is authorized to discharge non-routine wastewater on a case-by-case basis if approved by Ecology. Prior to any such discharge, the Permittee must contact Ecology and **at a minimum** provide the following information:

1. The proposed discharge location.
2. The nature of the activity that will generate the discharge.
3. Any alternatives to the discharge, such as reuse, storage, or recycling of the water.

4. The total volume of water it expects to discharge.
  5. The results of the chemical analysis of the water. The Permittee must analyze the water for all constituents limited for the discharge. The analysis must also include hardness, any metals that are limited by water quality standards, and any other parameter deemed necessary by Ecology. All discharges must comply with the effluent limits as established in Condition S1. of this permit, water quality standards, and any other limits imposed by Ecology.
  6. The date of proposed discharge.
  7. The expected rate of discharge discharged, in gallons per minute. The Permittee must limit the discharge rate so it will not cause erosion of ditches or structural damage to culverts and their entrances or exits.
- B. The discharge cannot proceed until Ecology has reviewed the information provided and has authorized the discharge by letter to the Permittee or by an Administrative Order. Once approved and if the proposed discharge is to a municipal storm drain, the Permittee must obtain prior approval from the municipality and notify it when it plans to

**S9. SPILL PLAN/EMERGENCY RESPONSE & CONTINGENCY PLAN GROUND WATER TREATMENT SYSTEM**

The Permittee must:

1. Submit to Ecology an update to the existing Emergency Response & Contingency Plan by *reserve for issuance*.
2. Review the plan at least annually and update the Emergency Response & Contingency Plan as needed.
3. Send changes to the plan to Ecology.
4. Follow the plan and any supplements throughout the term of the permit.

The Emergency Response & Contingency Plan must include the following:

1. A list of all oil and petroleum products and other materials used and/or stored on site, which when spilled, or otherwise released into the environment, designate as Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070. Include other materials used and/or stored on site which may become pollutants or cause pollution upon reaching state's waters.
2. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
3. A description of the reporting system the Permittee will use to alert responsible managers and legal authorities in the event of a spill.
4. A description of operator training to implement the plan.

**S10. ACUTE TOXICITY****A. The Permittee must:**

1. Conduct acute toxicity testing on the Ground Water Treatment Plant Discharge during once in the last summer and once in the last winter prior to submission of the application for permit renewal.
2. Submit the results to Ecology with the permit renewal application.
3. Conduct acute toxicity testing on a series of at least five concentrations of effluent, including 100 percent effluent, and a control.
4. Use each of the following species and protocols for each acute toxicity test:

<b>Acute Toxicity Tests</b>	<b>Species</b>	<b>Method</b>
Fathead minnow 96-hour static-renewal test	<i>Pimephales promelas</i>	EPA-821-R-02-012
Daphnid 48-hour static test	<i>Ceriodaphnia dubia</i> , <i>Daphnia pulex</i> , or <i>Daphnia magna</i>	EPA-821-R-02-012

Alternatively, the Permittee may substitute the following methods:

<b>Acute Toxicity Tests</b>	<b>Species</b>	<b>Method</b>
Topsmelt 96 hour static-renewal test	<i>Atherinops affinis</i>	EPA/600/R-95/136
Mysid, 48 hour static test	<i>Holmesimysis costata</i>	EPA/600/R-95/136)

**B. Sampling and Reporting Requirements**

1. The Permittee must submit all reports for toxicity testing in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. Reports must contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data in electronic format for entry into Ecology's database, then the Permittee must send the data to Ecology along with the test report, bench sheets, and reference toxicant results.
2. The Permittee must collect grab samples for toxicity testing. The Permittee must cool the samples to 0 - 6 degrees Celsius during collection and send them to the lab immediately upon completion. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was completed.
3. The laboratory must conduct water quality measurements on all samples and test solutions for toxicity testing, as specified in the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*.



4. All toxicity tests must meet quality assurance criteria and test conditions specified in the most recent versions of the EPA methods listed in subsection C. and Ecology of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If Ecology determines any test results to be invalid or anomalous, the Permittee must repeat the testing with freshly collected effluent.
5. The laboratory must use control water and dilution water meeting the requirements of the EPA methods listed in subsection A. or pristine natural water of sufficient quality for good control performance.
6. The Permittee must conduct whole effluent toxicity tests on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance testing in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the acute critical effluent concentration (ACEC). The ACEC equals 100 percent effluent.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing must comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020. If the test does not meet the power standard, the Permittee must repeat the test on a fresh sample with an increased number of replicates to increase the power.
9. Reports of individual characterization or compliance test results must be submitted to Ecology within 60 days after each sample date.
10. The Acute Toxicity Summary Report must be submitted to Ecology by *reserve for issuance*.

## **S11. CHRONIC TOXICITY**

### **A. The Permittee must:**

1. Conduct chronic toxicity testing on Ground Water Treatment Plant Discharge during once in the last summer and once in the last winter prior to submission of the application for permit renewal.
2. Submit the results to Ecology with the permit renewal application.
3. Conduct chronic toxicity testing on a series of at least five concentrations of effluent and a control. This series of dilutions must include the acute critical effluent concentration (ACEC). The ACEC equals 100 percent effluent.
4. Compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

5. Perform chronic toxicity tests with all of the following species and the most recent version of the following protocols:

Saltwater Chronic Test	Species	Method
Topsmelt survival and growth	<i>Atherinops affinis</i>	EPA/600/R-95/136
Mysid shrimp survival and growth	<i>Mysidopsis bahia</i> / <i>Americamysis bahia</i>	EPA-821-R-02-014

**B. Sampling and Reporting Requirements**

1. The Permittee must submit all reports for toxicity testing in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. Reports must contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data in electronic format for entry into Ecology's database, then the Permittee must send the data to Ecology along with the test report, bench sheets, and reference toxicant results.
2. The Permittee must collect grab samples for toxicity testing. The Permittee must cool the samples to 0 - 6 degrees Celsius during collection and send them to the lab immediately upon completion. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was completed.
3. The laboratory must conduct water quality measurements on all samples and test solutions for toxicity testing, as specified in the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*.
4. All toxicity tests must meet quality assurance criteria and test conditions specified in the most recent versions of the EPA methods listed in subsection C. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If Ecology determines any test results to be invalid or anomalous, the Permittee must repeat the testing with freshly collected effluent.
5. The laboratory must use control water and dilution water meeting the requirements of the EPA methods listed in subsection C. or pristine natural water of sufficient quality for good control performance.
6. The Permittee must conduct whole effluent toxicity tests on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance testing in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the CCEC and the ACEC. The CCEC and the ACEC may either substitute for the effluent concentrations that are closest to them in the dilution series or be extra effluent concentrations. The CCEC equals 100 percent effluent. The ACEC equals 100 percent effluent.
8. All whole effluent toxicity tests that involve hypothesis testing must comply with the chronic statistical power standard of 39 percent as defined in WAC 173-205-020. If the test does not meet the power standard, the Permittee must repeat the test on a fresh sample with an increased number of replicates to increase the power.
9. Reports of individual characterization or compliance test results must be submitted to Ecology within 60 days after each sample date.
10. The Chronic Toxicity Summary Report must be submitted to Ecology by *reserve for issuance*.

**GENERAL CONDITIONS****G1. SIGNATORY REQUIREMENTS**

- A. All applications, reports, or information submitted to Ecology must be signed and certified.

1. In the case of corporations, by a responsible corporate officer.

For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. In the case of a partnership, by a general partner.
3. In the case of sole proprietorship, by the proprietor.
4. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity shall be submitted by the public entity.

- B. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to Ecology.
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section must make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

## **G2. RIGHT OF INSPECTION AND ENTRY**

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

## **G3. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.
  2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
  3. A material change in quantity or type of waste disposal.
  4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
  5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
  6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
  7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the state.
  2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
  3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
  4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
  5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
  6. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
  7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and Ecology determines that modification or revocation and reissuance is appropriate.

2. Ecology has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G7.) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

**G4. REPORTING PLANNED CHANGES**

The Permittee must, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: (1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); (2) a significant change in the nature or an increase in quantity of pollutants discharged; or (3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

**G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit must be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. TRANSFER OF THIS PERMIT**

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to Ecology.

**A. Transfers by Modification**

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

**B. Automatic Transfers**

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

**G8. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with its permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**G9. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

**G10. DUTY TO PROVIDE INFORMATION**

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology upon request, copies of records required to be kept by this permit.

**G11. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

**G12. ADDITIONAL MONITORING**

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

**G13. PAYMENT OF FEES**

The Permittee must submit payment of fees associated with this permit as assessed by Ecology.



**G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof will be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs is a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit must incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is deemed to be a separate and distinct violation.

**G15. UPSET**

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limits if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: (1) an upset occurred and that the Permittee can identify the cause(s) of the upset; (2) the permitted facility was being properly operated at the time of the upset; (3) the Permittee submitted notice of the upset as required in condition S3.E; and (4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceedings the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**G16. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**G17. DUTY TO COMPLY**

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

**G18. TOXIC POLLUTANTS**

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**G19. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit will, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment will be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both.

**G20. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS**

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify Ecology as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
  - 1. One hundred micrograms per liter (100 µg/L).
  - 2. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
  - 3. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  - 4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
  - 1. Five hundred micrograms per liter (500µg/L).
  - 2. One milligram per liter (1 mg/L) for antimony.
  - 3. Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  - 4. The level established by the Director in accordance with 40 CFR 122.44(f).

**G21. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

## APPENDIX A

### EFFLUENT CHARACTERIZATION FOR POLLUTANTS THIS LIST INCLUDES EPA REQUIRED POLLUTANTS (PRIORITY POLLUTANTS) AND SOME ECOLOGY PRIORITY TOXIC CHEMICALS (PBTs)

The following table with analytical methods and levels is to be used as guidance for effluent characterization in NPDES permit applications, applications for permit renewal, and monitoring required by permit. This attachment is used in conjunction with Section V, Parts A, B, and C of EPA Application Form 2C, Parts A.12, B.6, and D of EPA application form 2A and with State applications. This attachment specifies effluent characterization requirements of the Department of Ecology. For application, analyze your wastewater for all parameters required by the application and any additional pollutants with an X in the left column. The data should be compiled from last year's data if it is a parameter routinely measured. If you are a primary industry category with effluent guidelines you may have some mandatory testing requirements (see Table 2C-2 of Form 2C). If you are a municipal POTW you also have some mandatory testing requirements which are dependent upon the design flow (see EPA form 2A).

The permit applications will specify the groups of compounds to be analyzed. Ecology may require additional pollutants to be analyzed within a group. The objectives are to reduce the number of analytical "non-detects" in applications and to measure effluent concentrations near or below criteria values where possible at a reasonable cost. If an applicant or Permittee knows that an alternate, less sensitive method (higher DL and QL) from 40 CFR Part 136 is sufficient to produce measurable results in their effluent, that method may be used for analysis.

	Pollutant & CAS No. (if available)	Recommended Analytical Protocol	Detection (DL) <sup>2</sup> µg/L unless specified	Quantitation Level (QL) <sup>3</sup> µg/L unless specified
<sup>1</sup>	<b>CONVENTIONALS</b>			
x	Biochemical Oxygen Demand	SM5210-B		2 mg/L
x	Chemical Oxygen Demand	SM5220-D		10 mg/L
x	Total Organic Carbon	SM5310-B/C/D		1 mg/L
x	Total Suspended Solids	SM2540-D		5 mg/L
x	Total Ammonia (as N)	SM4500-NH3- GH		0.3 mg/L
x	Flow	Calibrated device		
x	Dissolved oxygen	4500-OC/OG		0.2 mg/L
x	Temperature (max. 7-day avg.)	Analog recorder or Use micro-recording devices known as thermistors		0.2° C
x	pH	SM4500-H <sup>+</sup> B	N/A	N/A
<sup>1</sup>	<b>NONCONVENTIONALS</b>			
x	Total Alkalinity	SM2320-B		5 mg/L as CaCo3
x	Bromide (24959-67-9)	4110 B	100	400
x	Chlorine, Total Residual	4500 Cl G		50.0
	Color	SM2120 B/C/E		10 color unit
	Fecal Coliform	SM 9221E	N/A	N/A
x	Fluoride (16984-48-8)	SM4500-F E	25	100
x	Nitrate-Nitrite (as N)	4500-NO3- E/F/H		100
x	Nitrogen, Total Kjeldahl (as N)	4500-NH3-C/E/FG		300
x	Ortho-Phosphate (PO <sub>4</sub> as P)	4500- PE/PF	30	100
x	Phosphorus, Total (as P)	4500-PE/PF	30	100
x	Oil and Grease (HEM)	1664A		5,000
	Radioactivity	Table 1E		

	<b>Pollutant &amp; CAS No. (if available)</b>	<b>Recommended Analytical Protocol</b>	<b>Detection (DL)<sup>2</sup> µg/L unless specified</b>	<b>Quantitation Level (QL)<sup>3</sup> µg/L unless specified</b>
x	Salinity	SM2520-B		3 PSS
x	Settleable Solids	SM2540 -F		100
x	Sulfate (as mg/L SO <sub>4</sub> )	SM4110-B		200
x	Sulfide (as mg/L S)	4500-S <sup>2</sup> F/D/E/G		200
x	Sulfite (as mg/L SO <sub>3</sub> )	SM4500-SO3B		2000
x	Surfactants	SM5540 C		50
x	Total dissolved solids	SM2540 C		20 mg/L
x	Total Hardness	2340B		200 as CaCO <sub>3</sub>
x	Aluminum, Total (7429-90-5)	200.8	2.0	10
x	Barium Total (7440-39-3)	200.8	0.5	2.0
x	Boron Total (7440-42-8)	200.8	2.0	10.0
x	Cobalt, Total (7440-48-4)	200.8	0.05	0.25
x	Iron, Total (7439-89-6)	200.8	12.5	50
x	Magnesium, Total (7439-95-4)	200.8	10	50
x	Molybdenum, Total (7439-98-7)	200.8	0.1	0.5
x	Manganese, Total (7439-96-5)	200.8	0.1	0.5
x	Tin, Total (7440-31-5)	200.8	0.3	1.5
x	Titanium, Total (7440-32-6)	200.8	0.5	2.5
<sup>1</sup>	<b>METALS, CYANIDE &amp; TOTAL PHENOLS</b>			
x	Antimony, Total (7440-36-0)	200.8	0.3	1.0
x	Arsenic, Total (7440-38-2)	200.8	0.1	0.5
x	Beryllium, Total (7440-41-7)	200.8	0.1	0.5
x	Cadmium, Total (7440-43-9)	200.8	0.05	0.25
x	Chromium (hex) dissolved (185-402-99)	SM3500-Cr EC	0.3	1.2
x	Chromium, Total (7440-47-3)	200.8	0.2	1.0
x	Copper, Total (7440-50-8)	200.8	0.4	2.0
x	Lead, Total (7439-92-1)	200.8	0.1	0.5
x	Mercury, Total (7439-97-6)	1631E	0.0002	0.0005
x	Nickel, Total (7440-02-0)	200.8	0.1	0.5
x	Selenium, Total (7782-49-2)	200.8	1.0	1.0
x	Silver, Total (7440-22-4)	200.8	0.04	0.2
x	Thallium, Total (7440-28-0)	200.8	0.09	0.36
x	Zinc, Total (7440-66-6)	200.8	0.5	2.5
x	Cyanide, Total (7440-66-6)	335.4	5	10
x	Cyanide, Available	SM4500-CN G	5	10
x	Phenols, Total	EPA 420.1		50
	<b>DIOXIN</b>			
	2,3,7,8-Tetra-Chlorodibenzo-P-Dioxin (176-40-16)	1613B	1.3 pg/L	5 pg/L
<sup>1</sup>	<b>VOLATILE COMPOUNDS</b>			
x	Acrolein (107-02-8)	624	5	10
x	Acrylonitrile (107-13-1)	624	1.0	2.0
x	Benzene (71-43-2)	624	1.0	2.0
x	Bis(2-Chloroethyl)ether (111-44-4)	611/625	1.0	2.0
x	Bis(2-Chloroisopropyl) ether (108-60-1)	611/625	1.0	2.0

	<b>Pollutant &amp; CAS No. (if available)</b>	<b>Recommended Analytical Protocol</b>	<b>Detection (DL)<sup>2</sup> µg/L unless specified</b>	<b>Quantitation Level (QL)<sup>3</sup> µg/L unless specified</b>
x	Bromoform (75-25-2)	624	1.0	2.0
x	Carbon tetrachloride (108-90-7)	624/601 or SM6230B	1.0	2.0
x	Chlorobenzene (108-90-7)	624	1.0	2.0
x	Chloroethane (75-00-3)	624/601	1.0	2.0
x	2-Chloroethylvinyl Ether (110-75-8)	624	1.0	2.0
x	Chloroform (67-66-3)	624 or SM6210B	1.0	2.0
x	Dibromochloromethane (124-48-1)	624	1.0	2.0
x	1,2-Dichlorobenzene (95-50-1)	624	1.9	7.6
x	1,3-Dichlorobenzene (541-73-1)	624	1.9	7.6
x	1,4-Dichlorobenzene (106-46-7)	624	4.4	17.6
x	3,3'-Dichlorobenzidine (91-94-1)	605/625	0.5	1.0
x	Dichlorobromomethane (75-27-4)	624	1.0	2.0
x	1,1-Dichloroethane (75-34-3)	624	1.0	2.0
x	1,2-Dichloroethane (107-06-2)	624	1.0	2.0
x	1,1-Dichloroethylene (75-35-4)	624	1.0	2.0
x	1,2-Dichloropropane (78-87-5)	624	1.0	2.0
x	1,3-dichloropropylene (mixed isomers) (542-75-6)	624	1.0	2.0
x	Ethylbenzene (100-41-4)	624	1.0	2.0
x	Methyl bromide (74-83-9) (Bromomethane)	624/601	5.0	10.0
x	Methyl chloride (74-87-3) (Chloromethane)	624	1.0	2.0
x	Methylene chloride (75-09-2)	624	5.0	10.0
x	1,1,2,2-Tetrachloroethane (79-34-5)	624	1.9	2.0
x	Tetrachloroethylene (127-18-4)	624	1.0	2.0
x	Toulene (108-88-3)	624	1.0	2.0
x	1,2-Trans-Dichloroethylene (156-60-5) (Ethylene dichloride)	624	1.0	2.0
x	1,1,1-Trichloroethane (71-55-6)	624	1.0	2.0
x	1,1,2-Trichloroethane (79-00-5)	624	1.0	2.0
x	Trichloroethylene (79-01-6)	624	1.0	2.0
x	Vinyl chloride (75-01-4)	624/SM6200B	1.0	2.0
1	<b>ACID COMPOUNDS</b>			
x	2-Chlorophenol (95-57-8)	625	1.0	2.0
x	2,4-Dichlorophenol (120-83-2)	625	0.5	1.0
x	2,4-Dimethylphenol (105-67-9)	625	0.5	1.0
x	4,6-dinitro-o-cresol (534-52-1) (2-methyl-4,6,-dinitrophenol)	625/1625B	1.0	2.0
x	2,4 dinitrophenol (51-28-5)	625	1.0	2.0
x	2-Nitrophenol (88-75-5)	625	0.5	1.0
x	4-nitrophenol (100-02-7)	625	0.5	1.0
x	Parachlorometa cresol (59-50-7) (4-chloro-3-methylphenol)	625	1.0	2.0
x	Pentachlorophenol (87-86-5)	625	0.5	1.0 <sup>10</sup>
x	Phenol (108-95-2)	625	2.0	4.0

	Pollutant & CAS No. (if available)	Recommended Analytical Protocol	Detection (DL) <sup>2</sup> µg/L unless specified	Quantitation Level (QL) <sup>3</sup> µg/L unless specified
x	2,4,6-Trichlorophenol (88-06-2)	625	2.0	4.0
<sup>1</sup>	<b>BASE/NEUTRAL COMPOUNDS (compounds in bold are Ecology PBTs)</b>			
x	Acenaphthene (83-32-9)	625	0.2	0.4
x	Acenaphthylene (208-96-8)	625	0.3	0.6
x	Anthracene (120-12-7)	625	0.3	0.6
x	Benzidine (92-87-5)	625	12	24
x	Benzyl butyl phthalate (85-68-7)	625	0.3	0.6
x	Benzo(a)anthracene (56-55-3)	625	0.3	0.6
x	<b>Benzo(j)fluoranthene (205-82-3)</b>	625	0.5	1.0
x	<b>Benzo(r,s,t)pentaphene (189-55-9)</b>	625	0.5	1.0
x	Benzo(a)pyrene (50-32-8)	610/625	0.5	1.0
x	3,4-benzofluoranthene (Benzo(b)fluoranthene) (205-99-2)	610/625	0.8	1.6
x	11,12-benzofluoranthene (Benzo(k)fluoranthene) (207-08-9)	610/625	0.8	1.6
x	Benzo(ghi)Perylene (191-24-2)	610/625	0.5	1.0
x	Bis(2-chloroethoxy)methane (111-91-1)	625	5.3	21.2
x	Bis(2-chloroethyl)ether (111-44-4)	611/625	0.3	1.0
x	Bis(2-chloroisopropyl)ether (108-60-1)	625	0.3	0.6
x	Bis(2-ethylhexyl)phthalate (117-81-7)	625	0.1	0.5
x	4-Bromophenyl phenyl ether (101-55-3)	625	0.2	0.4
x	2-Chloronaphthalene (91-58-7)	625	0.3	0.6
x	4-Chlorophenyl phenyl ether (7005-72-3)	625	0.3	0.5
x	Chrysene (218-01-9)	610/625	0.3	0.6
x	<b>Dibenzo (a,j)acridine (224-42-0)</b>	610M/625M	2.5	10.0
x	<b>Dibenzo (a,h)acridine (226-36-8)</b>	610M/625M	2.5	10.0
x	Dibenzo(a-h)anthracene (53-70-3)(1,2,5,6-dibenzanthracene)	625	0.8	1.6
x	Dibenzo(a,e)pyrene (192-65-4)	610M/625M	2.5	10.0
x	Dibenzo(a,h)pyrene (189-64-0)	625M	2.5	10.0
x	3,3'-Dichlorobenzidine (91-94-1)	605/625	0.5	1.0
x	Diethyl phthalate (84-66-2)	625	1.9	7.6
x	Dimethyl phthalate (131-11-3)	625	1.6	6.4
x	Di-n-butyl phthalate (84-74-2)	625	0.5	1.0
x	2,4-dinitrotoluene (121-14-2)	609/625	0.2	0.4
x	2,6-dinitrotoluene (606-20-2)	609/625	0.2	0.4
x	Di-n-octyl phthalate (117-84-0)	625	0.3	0.6
x	1,2-Diphenylhydrazine (as Azobenzene) (122-66-7)	1625B	5.0	20
x	Fluoranthene (206-44-0)	625	0.3	0.6
x	Fluorene (86-73-7)	625	0.3	0.6
x	Hexachlorobenzene (118-74-1)	612/625	0.3	0.6

	<b>Pollutant &amp; CAS No. (if available)</b>	<b>Recommended Analytical Protocol</b>	<b>Detection (DL)<sup>2</sup> µg/L unless specified</b>	<b>Quantitation Level (QL)<sup>3</sup> µg/L unless specified</b>
x	Hexachlorobutadiene (87-68-3)	625	0.5	1.0
x	Hexachlorocyclopentadiene (77-47-4)	1625B/625	0.5	1.0
x	Hexachloroethane (67-72-1)	625	0.5	1.0
x	Indeno(1,2,3-cd)Pyrene (193-39-5)	610/625	0.5	1.0
x	Isophorone (78-59-1)	625	0.5	1.0
x	<b>3-Methyl cholanthrene (56-49-5)</b>	625	2.0	8.0
x	Naphthalene (91-20-3)	625	0.3	0.6
x	Nitrobenzene (98-95-3)	625	0.5	1.0
x	N-Nitrosodimethylamine (62-75-9)	607/625	2.0	4.0
x	N-Nitrosodi-n-propylamine (621-64-7)	607/625	0.5	1.0
x	N-Nitrosodiphenylamine (86-30-6)	625	0.5	1.0
x	<b>Perylene (198-55-0)</b>	625	1.9	7.6
x	Phenanthrene (85-01-8)	625	0.3	0.6
x	Pyrene (129-00-0)	625	0.3	0.6
x	1,2,4-Trichlorobenzene (120-82-1)	625	0.3	0.6
<sup>1</sup>	<b>PESTICIDES/PCBs</b>			
	Aldrin (309-00-2)	608	0.025	0.05
	alpha-BHC (319-84-6)	608	0.025	0.05
	beta-BHC (319-85-7)	608	0.025	0.05
	gamma-BHC (58-89-9)	608	0.025	0.05
	delta-BHC (319-86-8)	608	0.025	0.05
	Chlordane (57-74-9)	608	0.025	0.05
	4,4'-DDT (50-29-3)	608	0.025	0.05
	4,4'-DDE (72-55-9)	608	0.025	0.05 <sup>10</sup>
	4,4' DDD (72-54-8)	608	0.025	0.05
	Dieldrin (60-57-1)	608	0.025	0.05
	alpha-Endosulfan (959-98-8)	608	0.025	0.05
	beta-Endosulfan (33213-65-9)	608	0.025	0.05
	Endosulfan Sulfate (1031-07-8)	608	0.025	0.05
	Endrin (72-20-8)	608	0.025	0.05
	Endrin Aldehyde (7421-93-4)	608	0.025	0.05
	Heptachlor (76-44-8)	608	0.025	0.05
	Heptachlor Epoxide (1024-57-3)	608	0.025	0.05
x	PCB-1242 (53469-21-9)	608	0.25	0.5
x	PCB-1254 (11097-69-1)	608	0.25	0.5
x	PCB-1221 (11104-28-2)	608	0.25	0.5
x	PCB-1232 (11141-16-5)	608	0.25	0.5
x	PCB-1248 (12672-29-6)	608	0.25	0.5
x	PCB-1260 (11096-82-5)	608	0.13	0.5
x	PCB-1016 (12674-11-2)	608	0.13	0.5
	Toxaphene (8001-35-2)	608	0.24	0.5

1. An X placed in this box means you must analyze for all pollutants in the group.

2. Detection level (DL) or detection limit means the minimum concentration of an analyte (substance) that can be measured and reported with a 99 percent confidence that the analyte concentration is greater than zero as determined by the procedure given in 40 CFR part 136, Appendix B.
3. Quantitation Level (QL) is equivalent to EPA's Minimum Level (ML) which is defined in 40 CFR Part 136 as the minimum level at which the entire GC/MS system must give recognizable mass spectra (background corrected) and acceptable calibration points. These levels were published as proposed in the Federal Register on March 28, 1997.